IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 35 OF 2005

IN

EXECUTION APPLICATION NO. 458 OF 2004

IN

SHORT CAUSE SUIT NO. 592 OF 1979

Shantilal & Co. .. Plaintiffs.

vs.

Mr. Baba & Co. & Ors. .. Defendants.

And

The Sheriff of Bombay. .. Respondent.

Mr. B. Arora for plaintiffs.

Mr. T.G. Vora i/by Tamhane & Co.

for Defendant Nos. 3 & 4.

CORAM : S.U. KAMDAR, J.

DATE : 17TH JANUARY, 2005.

P.C.

1. By consent of the parties, the chamber summons is taken up on board for hearing and final disposal. Admittedly, defendant nos. 3 and 4 were deleted from the suit by an order dated 21.2.2001 passed in Chamber Summons No. 104 of 2001. In so far as the office premises

being 2nd floor, Sakseria Chambers, 139, Nagindas Master Road, Fort, Mumbai is concerned, the warrant of attachment itself indicates that the same belongs to defendant no. 3. In view of the admitted position that the defendant no. 3 is not a judgment debtor nor any decree is passed against defendant no. 3, the question of attaching the said premises belonging to defendant no. 3 does not arise. In view thereof, the chamber summons is made absolute in terms of prayer clause (a). Chamber Summons is disposed of accordingly.